

# KIRTON & McCONKIE

A PROFESSIONAL CORPORATION  
1800 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
P.O. BOX 45120  
SALT LAKE CITY, UTAH 84145-0120

TELEPHONE (801) 328-3600  
TELECOPIER (801) 321-4893

**RECEIVED**  
**CENTRAL FAX CENTER**

MAR 30 2004

## FACSIMILE TRANSMISSION SHEET

# OFFICIAL

DATE: March 30, 2004

BILLING #: 12439.49

TO: Examiner Carl Arbes  
United States Patent and Trademark Office  
Art Unit 3729

FAX #: (703) 872-9306

FROM: N. Kenneth Burraston

RE: 09/753,188

8 NUMBER OF PAGES INCLUDING COVER SHEET

COMMENTS: As you requested, attached is the terminal disclaimer as well as all of the papers mailed on January 23, 2004.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES,  
PLEASE CALL OUR OFFICE AT (801) 328-3600 AS SOON AS POSSIBLE.**

This is a confidential communication and is not to be delivered or read by any person other than the addressee.  
Facsimile transmission is not intended to waive the attorney-client privilege or any other privilege.  
If this transmission is received by anyone other than the addressee, the recipient is requested to call Kirton & McConkie collect at (801) 328-3600, and to immediately return this document to Kirton & McConkie by United States mail.  
Kirton & McConkie guarantees return postage.

MAR. 30. 2004 11:36AM

KIRTON &amp; MCCONKIE

RECEIVED  
CENTRAL FAX CENTER

NO. 878 P. 2

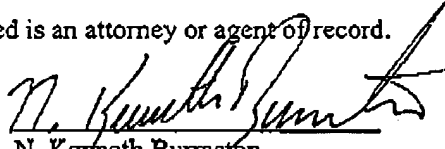
MAR 30 2004

12221-049

P16D2-US

OFFICIAL

Modified PTO/SB/26 (10-00)

<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>		Docket Number (Optional) 276440-17
In re Application of: Khandros et al. Application No.: 09/753,188 Filed: December 29, 2000 For: Method And Apparatus For Shaping Spring Elements		<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on <u>January 23, 2004</u> in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  _____ Kimberly Snow
<p>The owner, <u>FormFactor, Inc.</u>, a Delaware corporation, of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,049,976</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if applicable</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <p style="text-align: center;">           N. Kenneth Burraston          Registration No. 39,923       </p> <p style="text-align: right;"> <u>January 23, 2004</u>          Date       </p> <p><input checked="" type="checkbox"/> Enclosed is a check in the amount of <u>\$110.00</u> for the terminal disclaimer fee under 37 CFR 1.20(d).</p> <p><small>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</small></p>		

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

571354.1